



04-CV-02337-APPO

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

R.K.,

Plaintiff,

CASE NO. C04-2338RSM

v.

SPECIAL VERDICT FORM

THE CORPORATION OF THE  
PRESIDENT OF THE CHURCH OF JESUS  
CHRIST OF LATTER-DAY SAINTS,

Defendant.

We, the Jury, answer the questions submitted by the Court as follows:

**QUESTION 1:** Did plaintiff commence this action within the period of time required by law?

**ANSWER:** ☒ (Yes) ☐ (No)

If you answered "Yes" to Question 1, please proceed to Question 2. If you answered "No" to Question 1, do not answer any further questions; you are finished with this form. The presiding juror should sign and date this form and return it to the in-court deputy.

**QUESTION 2:** Do you find that defendant is negligent in this case?

**ANSWER:** ☒ (Yes) ☐ (No)

If you answered "Yes" to Question 2, please proceed to Question 3. If you answered "No" to Question 2, do not answer any further questions; you are finished with this form. The presiding juror should sign and date this form and return it to the in-court deputy.

1 **QUESTION 3:** Was such negligence a proximate cause of injury to plaintiff?

2 **ANSWER:** ☒ (Yes) ☐ (No)

3 If you answered "Yes" to Question 3, please proceed to Question 4. If you answered  
4 "No" to Question 3, do not answer any further questions; you are finished with this form. The  
presiding juror should sign and date this form and return it to the in-court deputy.

5 **QUESTION 4:** Do you find that any of the following non-parties were negligent in this case?

6 **ANSWER:** Herman Allenbach ☒ (Yes) ☐ (No)

7 Dorothy Kelly ☒ (Yes) ☐ (No)

8 Jerry Kelly ☒ (Yes) ☐ (No)

9 If you answered "Yes" to any person in Question 4, please proceed to Question 5. If  
10 you answered "No" to every person in Question 4, please proceed to Question 9.

11 **QUESTION 5:** Do you find that such negligence, if any, was a proximate cause of injury to  
12 plaintiff?

13 **ANSWER:** Herman Allenbach ☒ (Yes) ☐ (No)

14 Dorothy Kelly ☒ (Yes) ☐ (No)

15 Jerry Kelly ☒ (Yes) ☐ (No)

16 If you answered "Yes" to Question 5 as to Herman Allenbach, please proceed to  
17 Question 6. If you answered "No" to Question 5 as to Herman Allenbach, please proceed to  
Question 7.

18 **QUESTION 6:** Do you find that Herman Allenbach was an agent of defendant acting within  
19 the scope of his authority with respect to the acts or omissions regarding Mr. Loholt?

20 **ANSWER:** ☐ (Yes) ☒ (No)

21 If you answered "Yes" to Question 6, please proceed to Question 7. If you answered  
22 "No" to Question 6, please proceed to Question 8.

23 **QUESTION 7:** Assume that 100% represents the total combined negligence that proximately  
24 caused plaintiff's injuries. What percentage of this total negligence is attributable to defendant,  
and what percentage is attributable to each non-party whose fault was found by you, if any?

25 **ANSWER:** Defendant  %

Dorothy Kelly \_\_\_\_\_ %

Jerry Kelly \_\_\_\_\_ %

Please proceed to Question 9.

**QUESTION 8:** Assume that 100% represents the total combined negligence that proximately caused plaintiff's injuries. What percentage of this total negligence is attributable to defendant, and what percentage is attributable to each non-party whose fault was found by you, if any?

**ANSWER:** Defendant 25 %

Herman Allenbach 45 %

Dorothy Kelly 15 %

Jerry Kelly 15 %

Please proceed to Question 9.

**QUESTION 9:** What do you find are the amount of plaintiff's compensatory damages?

**ANSWER:** \$ 1,400,000

\$1,400,000 TOTAL  
~~-1,050,000 Loholt (intentional)~~  
\$ 350,000 (Negligence)  
~~- 75%~~  
\$ 75,000 from Defendant

Please proceed to Question 10.

**QUESTION 10:** What percentage of damages in your answer to Question 9 do you find were caused by negligent conduct and what percentage were caused by Mr. Loholt's intentional conduct? (Your total must equal 100%)

**ANSWER:** Negligent 25 %

Intentional 75 %

After you have answered all of the appropriate questions on this form, the presiding juror should sign and date below and inform the in-court deputy that you have reached a verdict.

DATED this 12 day of October, 2006.

*Richard B. Oppenheimer*  
 PRESIDING JUROR